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*International Union of Mine
Mill and Smelter Workers
No. 46*

CONSTITUTION

AND

BY-LAWS

OF

THE

Virginia City, Nevada
Miners' Union No. 46

OF THE

Western Federation of Miners

VIRGINIA CITY, NEVADA

RENO:
NEVADA PRESS



1911

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PREAMBLE

Whereas, In view of the fearfully-hazardous nature of our vocation, the premature old age and many ills, the result of our unnatural toil; and whereas, a Society, which would enable the Miner to be his own benefactor, would also relieve the Corporations on the Comstock; and whereas, it is profitable to retain skilled and experienced labor when its demand is significant in proportion to the benefit to be derived from it; and, whereas, we should cultivate an acquaintance with our fellows, in order that we may be the better enabled to form an undivided opposition to acts of injustice: Therefore, we, the Miners of Virginia, have resolved to form an Association for the promotion and protection of our common interests, and have adopted the annexed Constitution and By-laws for its guidance; for united we possess strength. Let us, then act justly and fear not.

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CONSTITUTION

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ARTICLE I.

Section 1. This association shall be known by the name and title of "The Virginia City, Nevada, Miners' Union, No 46, of the Western Federation of Miners," and shall be composed of all persons working in and around the mines, mills and smelters, who shall be admitted to membership, agreeable to the articles and provisions of this Constitution.

Sec. 2. This Union cannot be dissolved so long as twenty-five (25) members in good standing object thereto.

Sec. 3. The objects of this Union shall be the practice of those virtues that elevate and adorn society, and remind man of his duty to his fellow man; the elevation of the position and maintainance of the rights of the workers.

ARTICLE II

Section 1. All candidates for admission must be workers of a good, moral character, of Virginia and vicinity, who may become members of this Union by paying the initiation fee of \$5.00, and being duly elected according to the provisions of this Constitution and By-Laws.

Sec. 2 Every member, at the time of his initiation, shall subscribe and sign his name to this Constitution.

Sec. 3. Every candidate for membership must be proposed by one member, and seconded by another, who can speak knowingly as to his character, at a stated meeting of the Union; and he shall be elected by acclamation.

Provided: That if two members present object to the applicant's election, a ballot shall then be taken. If the applicant receives three (3) black balls, the presiding officer shall declare him rejected. The applicant if rejected may renew his application on the expiration of ninety (90) days.

Sec. 4 All members of this Union who have been such for a period of fifteen (15) years or over, and who are sixty (60) years of age or over and incapacitated from performing manual labor, or hopelessly insane, shall be declared Honorary Members of this Union, and as such shall be entitled to all the privileges and benefits of the Union.

ARTICLE III

Section 1. The officers of the Union shall consist of a President, Vice-President, Treasurer, Secretary, Conductor, Warden, and Finance Committee of three, who shall serve for the term of six months and who shall be elected by ballot, and none shall be elected but by a majority of votes cast.

There shall be a board of three (3) Trustees, who shall serve for a term of twelve

months, and who shall be elected by a majority of all votes cast, at the election in June of each year.

Sec. 2. All officers shall be clear of financial charges on the books of the Union, thirty days prior to their election or appointment.

Sec. 3. Vacancies occurring in any office may be filled by appointment of the President. Such appointment to be subject to the approval of the Union.

ARTICLE IV

Section 1. This Union shall have the power to levy upon its members, for extraordinary purposes, such tax or sums as may be at the time necessary; which tax shall not, at any time, exceed the sum of five per cent, on the wages, or earnings of any of its members.

Sec. 2. All officers and members are hereby prohibited from contracting any bills on behalf of this Union for a greater sum than the amount of ten (\$10.00) dollars. All bills contracted for the legitimate expenses of the Union above the amount herein specified, shall be by and with the consent of the Union.

ARTICLE V

Section 1 The funds of this Union cannot be divided in any manner among the members, but shall remain the property of the Union for its legitimate purposes, and

no donations shall be made, so long as fifty members are willing to continue in it.

Sec. 2. Benefits shall be regulated by the By-Laws of the Union.

Sec. 3. All funds in the hands of the Treasurer, over and above three hundred (\$300.00) dollars shall be deposited in some suitable bank, which shall be designated by a majority vote of all the members present in good standing at the first regular meeting of the Union, after notice has been given that steps will be taken to make such deposit.

Sec. 4. The deposit shall be placed to the credit of the "Trustees of the Virginia City, Nevada, Miners Union."

Sec. 5. No portion of said deposit shall be drawn out of any bank except by an order of the Union made by a two-thirds vote at a regular meeting upon the Board of Trustees attested by the seal of the Union together with the counter signatures of the President and Secretary.

Sec. 6. Should the deposit be made in any bank outside the limits of this State, the Trustees, President, and Secretary, shall forward their own proper signatures, together with the attestation of a Notary Public or Commissioner of Deeds, as to their genuineness, the expenses of the same to be paid out of the funds of the Union.

ARTICLE VI

Section 1. Any member of the Union who shall, in any way, violate any of the prin-

ciples of this Union, or offend against any article or section of this Constitution, By-Laws, or Rules of Order, shall be fined, suspended, or expelled, as the By-Laws or Constitution may direct or the Union may determine.

Sec. 2. Every member shall be entitled to a fair trial for any offense involving suspension or expulsion. No member shall be put upon trial unless charges duly specifying the offenses are made so as to fully apprise him of the nature thereof, and to enable him to prepare for his defense. It shall be brought in writing, and signed by a member of this Union making such charge or charges.

Sec. 3. Such charge shall be referred to a Committee of Five Members, in good standing, who shall be appointed by the presiding officer, who shall, without delay, summon the party and try the case. And they shall keep full minutes of the proceedings, the evidence, pro and con, which they shall report to the Union, forthwith, together with their decision on the charge, which the Union shall confirm or not, as the majority shall determine.

"The accused shall have the right to appeal to the Executive Board of the Western Federation of Miners and from that body to the ensuing Convention.

Sec. 4. If the accused shall neglect or refuse to stand his trial when duly summoned, the Committee shall report him "guilty," which report shall be final

ARTICLE VII

Section 1. This Constitution shall not be altered nor amended, except at a regular meeting of the Union, and with concurrence of two-thirds of all the members present. Notice of the intended alteration or amendment must be given in writing, at a meeting two weeks prior to the action of the Union thereon.

BY-LAWS

ARTICLE I

Meetings

Section 1. The regular meetings of this Union shall be held on Friday evening of each week; and the Standing Committee shall meet whenever called upon by the President or notified by him through the Secretary.

Hour of Meeting

Sec. 2. The hour of meeting of this Union shall be at 7 o'clock p. m., from the 1st of October to the 1st of April, and at 7:30 o'clock p. m., from the 1st of April to the 1st of October.

Meeting to Order

Sec. 3. At the hour of meeting, if a quorum be present, the President shall call the meeting to order by three raps of his gavel, when the Union shall proceed to business.

Quorum

Sec. 4. Ten members shall constitute a quorum, including the officers of the Union.

ARTICLE II

Duty of the President

Section 1. It shall be the duty of the President to preside at all meetings of the

Union, preserve order, enforce the Constitution and By-Laws, and watch vigilantly over the interests and affairs of the Union. In this he shall be assisted by all the officers of the Union. He shall decide all questions of order, subject to appeal to the Union. He shall have the right to vote at the election of officers, and when the members are equally divided, he shall have the casting vote on any question. He shall sign all orders drawn on the Treasurer, as shall be ordered to be paid by the Recording Secretary, in compliance with a vote of the majority of all the members present at any stated meeting. He shall have the power to call meetings whenever he deems it necessary, or when required by twenty or more members in writing, and perform such other duties as the Union may require. The President shall take no part in any debate while in the chair, but may call the Vice-President to the chair when he wishes to discuss any question.

He shall receive four (\$4.00) dollars for each day lost in attending funerals or other work of the Union. He shall within one month after election appoint a Safety Committee, consisting of not less than five (5) members of the Union in good standing at the time of their appointment, whose names shall be known only to the Vice-President and Secretary.

Duty of the Vice-President

Sec. 2. It shall be the duty of the Vice-President to assist the President to preserve order at all meetings, to assist the President

in the discharge of all his duties, preside during his absence, and perform then all the duties devolving upon the President.

Duty of the Secretary

Sec. 3. The Secretary shall accurately keep on record the minutes of the proceedings of each meeting of the Union. He shall issue all summons and notices required, furnish the Treasurer with all warrants authorizing drafts on him, with his signature and that of the presiding officer attached thereto; notify all committees of their appointment, and the subject referred to them; he shall keep just and accurate accounts between the Union and its Members; he shall receive all initiation fees, dues, fines and assessments, and all other moneys, and pay over the same to the Treasurer at the next regular meeting taking his receipt therefor. He shall notify through the Postoffice or otherwise, all Members who are more than two months in arrears for dues, or who owe one dollar or more for fines or assessments, and if such Members fail to place themselves in good standing at the expiration of two weeks, their names shall be read in open meeting. He shall at all times have his books prepared for investigation by the Trustees and Finance Committee. He shall be present in the Hall to receive the moneys due the Union, and act as Librarian between the hours of 6 p. m. and 8 p. m. on the first six days of each month, (Sundays excepted) and on meeting nights he shall be present in the Hall at least one hour before the hour of meeting. He shall perform

in addition to the duties required of him as Secretary by the Constitution and By-Laws the duties of Janitor of the Hall, the last named duty to be performed under the supervision of the Board of Trustees. The Secretary shall receive for all the services herein enumerated, the sum of \$60.00 per month. He shall report quarterly in writing and at the expiration of his term of office, turn over all books, papers, and property belonging to the Union to his successor in office.

Duty of Treasurer

Sec. 4. The Treasurer shall receive from the Secretary all moneys collected by him and he shall receipt for the same, pay all warrants ordered drawn on him by a vote of the Union, attested by the signatures of the presiding officer and the Secretary, together with the seal of the Union.

He shall have his accounts open for inspection by the Finance Committee or the Board of Trustees, whenever required.

He shall report quarterly in writing to the Union of all his transactions. At the end of his term he shall turn over to his successor in office all funds in his possession belonging to the Union. He shall receive ten dollars per month for his services.

Official Bonds

Sec. 5. The Secretary and Treasurer shall each execute a good and sufficient bond to the Union for the faithful performance of their duties, whenever required by the Union, the cost of such bond, if any, to

be defrayed out of the funds of the organization.

Duty of the Warden

Sec. 6. It shall be the duty of the Warden to take charge of the door of the Union, and see that none but members enter the rooms of the Union, and that no member passes out without permission of the President.

Duties of Conductors

Sec. 7. The Conductor shall examine every person in the room prior to opening, see that he is correct in the password; report to the President all those not correct. He shall report the names of all candidates waiting for initiation, and introduce them to the President when so instructed, and perform such other duties as may be necessary for the comfort of candidates and members.

Duty of the Finance Committee

Sec. 8. It shall be the duty of the Committee of Finance to audit all books, accounts and vouchers of the several officers of this Union, at the end of every three months, and report to the Union. Said report shall be read by the Secretary, and by him placed on file, after being sanctioned by a vote of a majority of the members present.

The Finance Committee shall report for the term for which they were elected. The members of the Committee shall be subject to a fine of (50c) fifty cents for neglecting to make their quarterly report.

Duties of the Trustees

Section 9. It shall be the duty of the Board of Trustees to take charge of all property of the Union, collect rents and pay the same over to the Secretary.

They shall receive from the Treasurer such sums of money as the Union may determine and deposit the same in the bank, subject to a majority vote of the Union, and no member of the Board of Trustees shall be interested directly or indirectly in any work or contract performed on account of the Union. Any member of the Board of Trustees who shall be so interested, shall on proof of the same being furnished the Union, forfeit his office, and no bills outside of the regularly authorized ones shall be allowed by the Union without the signatures of a majority of the Board of Trustees.

They shall perform such other duties as the best interests of the Union may dictate or a majority of the same may determine. At the expiration of their term of office, they shall turn over to their successors, all property and books belonging to the Union.

Duty of the Committee of Attendance

Sec. 10. The President shall at the last regular meeting in each month, name twenty members in good standing, alphabetically from the roll of the Union, who shall serve as a Committee of Attendance, to help to transact the business of the Union, for the month succeeding their appointment. Any member of this Committee absenting himself from any regular meeting of the Union, for that month, after being duly chosen and

notified, shall be fined the sum of fifty cents for each absence. No member acting for one month on this Committee shall again be chosen until all members of the Union shall have served in their turn. Sickness of self or family, being absent at work, or out of town, shall be deemed a legal excuse. The Secretary is required to call the roll of attendance at each meeting and note the absentees.

ARTICLE III

Election of Officers

Section 1. The election of officers shall be by ballot, and shall be held on the first Friday of June and December of each year at a regular meeting. It shall require a majority of all the votes cast to elect, and should there be no election on the first ballot, all but the two highest shall be dropped.

Sec. 2. Nominations shall be open for the three regular meetings prior to election. The presiding officer shall instruct the Secretary and appoint a member to assist him to examine the accounts of all members placed in nomination for any office in the Union, and no member shall receive a nomination unless he is in good standing thirty days prior to election day. The President shall appoint two Tellers to conduct the election, who shall count the votes cast, and report the same to the President, who shall then declare the result to the Union. Should a tie vote occur the presiding officer is hereby empowered to cast the deciding vote.

Sec. 3. In case of there being no contest for the different offices, the Secretary may cast the ballot of the Union for the Officers regularly nominated, and the President shall then declare said Officers duly elected. The Officers elect shall not be installed until the first regular meeting of July and January succeeding their election. The Secretary is required to forward the names of all Officers elected to the Secretary-Treasurer of the Western Federation of Miners.

ARTICLE IV

Special Committees

Section 1. The President shall appoint all Committees not herein provided for, and fill all vacancies; but such appointment shall be subject to approval by the Union.

ARTICLE V

Dues and Assessments

Section 1. Every member of this Union (except those on the Honorary Roll) shall pay Seventy-five (75c) cents per month dues, and such assessments as shall be levied by a two-thirds vote of all the members present at a regular meeting. Provided, That all motions to levy assessments shall lie over at least one week before final action shall be taken thereon.

ARTICLE VI

Penalties (Officers)

Section 1. It shall be the duty of all Officers to attend the regular meetings of the

Union. Any Officer absenting himself from roll-call, for six consecutive meetings, without a legal excuse, shall forfeit his office.

Fines (Committees)

Sec. 2. Any member who shall be appointed on a Committee and neglects to perform his duty, shall be fined fifty cents.

Fines (Officers)

Sec. 3. The Secretary, Treasurer and each member of the Finance Committee shall each be subject to a fine of fifty (50c) cents for neglecting to make their quarterly reports.

Fines (Intoxication)

Sec. 4. If any member of this Union enters this room in a state of intoxication, or use profane language during any session of this Union, he shall be expelled from the room for the evening, and fined one dollar for each and every offense.

Secrecy

Sec. 5. If any member of this Union divulge the name of any member or members, or any of the business or proceedings, or think proper to divulge the name of a member who shall speak against any candidate proposed for membership, or make public any of the passwords, grips or signs of this Union, he or they may be expelled.

Excuses

Sec. 6. Any member fined for neglect of duty, may present an excuse in person or

in writing, and if the Union deems it a legal excuse, his fine may be remitted, and no excuses shall be received from any officer or member, except the one fined for such neglect of duty.

Violation of Laws

Sec. 7. Any brother knowing any member to break any section of the Constitution or By-laws, it will be his duty to report the same at the next regular meeting. In default thereof, he or they shall be dealt with as the Union may determine.

Sec. 8. Should it be discovered that any member has knowingly cast an illegal vote, he shall be fined five dollars.

ARTICLE VII

Jurisdiction of the Union

Section 1. That all persons working underground in whatever capacity shall be subject to the jurisdiction of the Miners' Union. Foreman and Mechanics going under ground to do special work are exempted if they so desire.

ARTICLE VIII

Good Standing

Section 1. No member two months in arrears for dues, shall be considered a member in good standing nor can he vote on any question. Any member who is 6 months or over in arrears for dues shall be considered a non-member, and will be treated as such.

Sec. 2. All fines and assessments to the amount of one (\$1.00) dollar or over shall be paid on or before the expiration of thirty days. Any member whose fines or assessments remain unpaid at the end of thirty days becomes in bad standing to the Union. All members owing the Union the sum of three (\$3.00) dollars for fines or assessments shall become non-members, and as such will be treated accordingly.

ARTICLE IX

Penalties

Section 1. Any brother who shall willfully bring a false or malicious charge against a brother, or shall knowingly propose an unworthy candidate for membership, shall be held liable to any penalty at the discretion of this Union.

Funeral Benefit

Sec. 2. On the death of a member in good standing, the sum of eighty dollars shall be allowed as a funeral benefit.

A member in case of death to be considered in good standing if he is clear of financial charges on the books of the Union. Payment of arrearages after a member becomes sick or meets with an accident, which may result in his death, shall not be considered as having been made in good faith and in such cases no funeral benefit shall be allowed.

It shall be the duty of every member of the Union to report the names of those who may become sick or injured to the regular

meetings of the Union, and the Secretary shall to the best of his knowledge and understanding report at every weekly meeting the condition of those sick or injured.

Sec. 3. In the absence of a competent relative, the President shall apply sufficient of the amount for burial expenses and if any remain, it shall be returned to the Union, together with the receipts for the expenses.

Funerals

Sec. 4. The burial of deceased members shall be under the supervision of the President, assisted by the subordinate officers of the Union. He shall advertise the time and place of each funeral in at least one daily paper of the city.

Sec. 5. It shall be the duty of all members of the Union to attend funerals upon notice from the President, and assist in escorting the remains to the cemetery, Provided, the weather is not too severe.

ARTICLE X

Reinstatement

Section 1. Every applicant for reinstatement, working underground, shall be proposed by one member and vouched for by another, he shall pay five (\$5.00) dollars fee, two months dues and sign the Constitution and By-Laws. It shall require a majority vote to elect. Those not working underground shall be elected by a two-thirds majority.

Sec. 2. All persons depositing withdrawal and transfer cards, shall, upon their acceptance, sign the Constitution and By-Laws.

Secret Ballot

Sec. 3. The President shall on demand or five or more members order a secret ballot upon any question coming before the Union.

All laws, resolutions or enactments not herein enumerated in this Constitution and By-Laws (except those so specified in the report of the Committee of Revision) are hereby declared null and void.

ARTICLE XI

How Amend By-Laws

Section 1. These By-Laws may be amended by a vote of two-thirds of the members present at a regular meeting of the Union, provided that notice in writing be given two weeks previous to the action of the Union thereon.

RULES OF ORDER

No. 1. During the continuance of the meeting, silence must be observed—the officers and members retaining their respective seats, and no one leaving the room without the permission of the President or Vice-President.

No. 2. No member shall, by conversation or otherwise, interrupt the business of the Union, or refuse to obey the chair.

No. 3. The President, while presiding, will state every question coming before the Union, and immediately before putting it to a vote shall ask: "Are you ready for the question?" Should no member rise to speak, or by silence indicate their readiness, he shall rise to take the question; and after he has risen no member shall be permitted to speak upon it. He shall pronounce the result or decision of the Union upon all subjects.

No. 4. Every member when he speaks, or offers a motion, shall rise and respectfully address the presiding officer. While speaking, he shall confine himself to the question under debate, avoiding all personality and indecorous language, as well as any reflection upon the Union or its members.

No. 5. Should two or more members rise to speak at the same time, the Chair shall decide who is entitled to the floor.

No. 6. No member shall disturb another in his speech, unless to call him to order for words spoken.

No. 7. If a member, while speaking, shall be called to order at the request of the Chair, he shall cease speaking and take his seat until the question of order is determined, when if permitted, he may again proceed.

No. 8. No member shall speak more than once on the same question until all the members wishing to speak shall have had an opportunity to do so, nor more than twice without permission of the Chair.

No. 9. When any communication, petition, or memorial is presented, before it is read, a brief statement of its contents shall be made by the introducer to the Chair.

No. 10. No motion shall be subject to action unless seconded, and stated by the Chair.

No. 11. Any member may call for a division of a question when the sense will admit of it.

No. 12. When a question is before the Union, no motion shall be received unless to adjourn, the previous question, to lay on the table, to postpone indefinitely, to postpone to a certain time, to refer, to amend,

and shall have precedence in the order herein arranged, the three first of which shall be decided without debate.

No. 13. After any question, except one of indefinite postponement has been decided, any two members who voted in the majority may, at the same meeting move for a reconsideration thereof.

No. 14. Members present can vote on any question before the Union, provided they are in good standing.

No. 15. No amendment shall be received except it be in writing.

No. 16. All questions not provided for by the Constitution, By-Laws, Rules of Order, or by the general laws of the Union, shall be determined by a majority of the members at a regular meeting.

No. 17. These rules may be suspended for a special purpose by a vote of two-thirds of the members present.









